

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

HEONG JONG YOO

v.

UNITED STATES OF AMERICA

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Case No. 6:18-CV-655-JDK-JDL

**ORDER OF DISMISSAL**

Petitioner Heong Jong Yoo filed this petition for the writ of habeas corpus under 28 U.S.C. § 2241 complaining of alleged constitutional violations during the course of the criminal prosecution against him. Docket No. 1. Petitioner had been convicted but not yet sentenced at the time he filed this petition.<sup>1</sup> *See id.* The case was referred to United States Magistrate Judge John D. Love, who issued a Report recommending dismissal of the petition as premature. Docket No. 13.


The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of the case, has been presented for consideration. *See id.* The court has conducted a de novo review of the objections raised by Plaintiff to the Report, which consist largely of unfounded personal attacks against the Magistrate Judge. *See* Docket No. 14. Upon such de novo review, the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the court. It is accordingly **ORDERED** that the Report of the Magistrate Judge (Docket No. 13) is **ADOPTED** as the opinion of the District Court. It is further **ORDERED** that the above-styled application for

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<sup>1</sup> On May 15, 2019, Defendant was sentenced by Judge Schroeder in *United States v. Yoo*, 6:18-cr-16, Docket No. 475. His habeas petition is nonetheless still premature because his conviction is not yet final. *See Clay v. United States*, 537 U.S. 522, 523–24 (2003).

the writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE** as premature. A certificate of appealability is **DENIED**. It is further **ORDERED** that any and all motions which may be pending in this civil action are **DENIED**.

So **ORDERED** and **SIGNED** this **17th** day of **May, 2019**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE